

MANEY AVENUE COMPREHENSIVE PLAN

March 24, 2004 Public Hearing

QUESTIONS AND ANSWERS

A. Process to develop the Plan

1. Why are we doing this?

The City of Murfreesboro has a responsibility to plan for all parts of the city. It has become obvious that the older residential portion of the City, like many other communities across the nation, is at risk of economic and social decline and decay. The City has undertaken this planning effort in an attempt to develop a strategy to stabilize the area, to improve the quality of life for the residents, and to maintain the values of the properties of the area.

Murfreesboro is a rapidly growing community and we have developed comprehensive plans for the areas of high growth. We have also recognized the need to protect and invest in our older neighborhoods. Millions of dollars have been invested in the Maney Avenue study area, including Oaklands Mansion, Discovery Center, Bradley Academy, Bradley Elementary and Patterson Community Center. In addition to these “bricks and mortar” projects, the City Council and Planning Commission saw the need to plan for revitalization and renovation of these neighborhoods. Although no plan is perfect, we believe that the dialogue that has been created by the plan, the relationships that have formed and the recommendations that have been developed will pave the way for a better future for this area than if we do not have a roadmap for addressing the current concerns.

2. What was the process for selecting the Citizens Advisory Committee?

As with the Blackman and Salem Land Use Studies and upon the request of the consultant the Mayor and City Council appointed the Citizens Advisory Committee (CAC). Initially, the Planning Staff took nominations for inclusion on the committee and compiled a list of potential candidates for service on the CAC. Candidates that were residents of the area, business owners within or close to the area, associated with stakeholder organizations, or had a desire to serve were favored for inclusion on the

nominations list. The Council made a conscious effort to include five members from the area north of E. Main Street and five members from the area south of E. Main Street. Five members were included from at-large from within the area. The City Council also included two additional members who were outspoken critics of the project.

Even though there were only a limited number of positions on the committee, those not selected had multiple opportunities to participate in the process and to have their comments known. All of the Committee's meetings were open to the public and as time permitted audience members were invited to speak at the meetings.

3. Can any conclusions be made by comparing the map of the study area presented at the public hearing illustrating properties against the Maney Avenue study and the petitions that were presented at the public hearing?

Not really. The map that was presented at the public hearing was taken back by the group that presented it and the Planning Staff and Planning Commission members never had an opportunity to examine it closely. The petition that was presented was actually two different petitions and the captions for both petitions were confusing and there was considerable overlap between the two petitions. Since the public hearing several property owners have contacted the Planning Staff to report that the group responsible for the petition had been rather zealous in their efforts to obtain signatures and some of them have requested their names and properties be removed from the petitions and maps. Some of the properties have been sold since the petition drive began in the fall of 2003 and the old owner's signature is on the petition and not the new owner.

It is noteworthy, however, that numerous signers of the petitions owned multiple properties as rental units in the area.

4. What was the notification process?

Notification has been achieved through a variety of measures. Once the contract for services was executed with the consultant a schedule of meetings was prepared including the visioning sessions, CAC sessions, and neighborhood meetings. The schedule was sent to all members of the CAC, all Planning Commission and City Council members, it was published on the

City's web page, it was distributed to the neighborhood churches for posting, and it was sent to any body who requested it. Those who received the schedule were invited to distribute the schedule and to discuss it with anybody who might be interested. Every meeting of the CAC was advertised with a legal notice. There were numerous newspaper articles regarding the process and the upcoming meetings. Meeting times, dates, and locations were discussed during Planning Commission meetings, which are broadcast on City Cable 3. The project was discussed on the local radio talk show and City Cable 3. For the public meetings on March 10 and 24 a legal notice was sent to every property owner and every property address in the study area, a legal notice was run in the local newspaper, and 30 signs were posted throughout the area. Although some have criticized the notification process, the fact remains that the amount of notification was unprecedented.

B.Planning-related Questions

5. Will deed restrictions be required by the plan?

No. The plan does recommend, however, that in certain instances for "special uses" considered by the Board of Zoning Appeals that deed restrictions may be used to minimize the detrimental aspects of the "special use". This is actually the current practice of the Board of Zoning Appeals in all areas of the City. For example, the BZA may approve a special use permit for a "mother-in-law" apartment in an area zoned for single family residences and may place a condition upon the approval that once the mother-in-law apartment is no longer being used as a mother-in-law apartment it can not be used for a rental apartment. The owner must agree with this condition and the deed restriction will remain with the property so that potential purchasers are made aware of the condition and will not attempt to create a rental unit.

6. How have other overlay districts performed?

Overlay districts are commonly used in many cities across the nation. They have stood the test of time and are an integral part of most zoning ordinances. The Murfreesboro zoning ordinance makes provision for five (5) overlay districts including: Flood-Fringe District, Battlefield Protection District, Airport Height Regulation, Historic District, and the Gateway Design Overlay District. Each of these overlay districts encompasses one or

more underlying zones and imposes additional requirements that are in addition to those required by the underlying zone(s). They have performed their intended purposes well.

7. Does this plan require historic zoning?

No. This plan does not recommend creating another local historic district and it does not recommend increasing the size of the existing H-1, Historic District.

8. Will the plan affect variances that have already been granted?

No. The plan will not affect any variances that have already been granted by the Board of Zoning Appeals. It is noteworthy that some of the recommendations that the plan offers actually would address some of the causes for the variances and would potentially eliminate the need for the variances.

9. Will the same process be used as before for any rezonings of properties?

Yes. The process for changing the zoning map and zoning ordinance has not changed.

C.Rental Property

10. Will rental property be prohibited? Will rental property be encouraged? How will rental property be affected?

The plan does not recommend the prohibition of rental property. The City recognizes that safe, clean, and affordable rental property that meets codes fulfills a need for city residents. While many landlords properly manage their rental units, some do not. The plan also promotes home ownership. Home ownership is generally favored throughout the City because it places a financial stake on the occupant to maintain and upkeep the property. As applies to the Maney Avenue Comprehensive Plan homeownership is viewed as a strategy for uplifting and upgrading the neighborhood and as a means to curtail criminal activity. The plan actually recommends allowing the creation of multiple family dwellings to be used as rental property in some of the proposed sub-districts provided they are approved by the BZA

and certain standards for parking, building codes and landscaping can be met. Existing rental property will not be affected by the plan at all.

11. Will owners of rental property be allowed to continue to rent their properties?

Yes. It is only a myth that the City would prevent property owners from renting their properties.

12. Are duplexes allowed or disallowed?

In all districts where duplexes are currently allowed the plan recommends that they continue to be allowed. The zoning ordinance currently allows duplexes in the RD, RM-12, RM-16, RM-22 OG-R, CL, CM-R and CU zoning districts. Additionally, some of the urban design overlay sub-districts recommended by the plan that are shown in Table 4A may allow up to 4 accessory dwelling units per building provided the BZA reviews and approves the proposal and the City's Building and Codes Department approves the structure.

13. If a duplex burns down will it be able to be reconstructed?

The current zoning regulations allow a legally zoned duplex to be completely rebuilt if it is totally destroyed by fire. If a particular duplex is a legal non-conforming structure and is totally destroyed by fire then it must conform to the zoning where it is located. The Maney Avenue study has no affect on this particular part of the City Zoning Ordinance.

D.Implementation

14.Will a special committee be required?

No. The Maney Avenue Comprehensive Plan does not recommend the creation of any special oversight committee.

15.What will the cost be to property owners in the area?

No special tax assessment districts are recommended. The plan itself does not recommend any specific costs.

16.How will condemnation be used?

Condemnation is the taking of private property for a public (government) use. It is an action taken by the City Council (or state) after efforts to negotiate a purchase have failed and there is a commitment on the part of the government to follow through with the project for which the property is necessary. Any taking of property through condemnation requires just compensation and a due process through the courts in a manner to assure fairness to the property owner.

17.Will condemnation be used to assure implementation of the plan?

Condemnation of property for public use is a serious affair and any use of this government power must be approved by the City Council. It is not the intentions of this plan to require the use of condemnation powers.

18.Will there be an overlay with an oversight committee that property owners must go before in order to change or repair their properties?

The plan recommends creating an urban design overlay district but does not call for an oversight committee to review changes or alterations to property located in the overlay district. If a “special use” is proposed for any of the overlay sub-districts the Board of Zoning Appeals will likely be the review body.

19.What will implementation of the plan cost the property owners?

The cost of implementation is unknown. There will be no direct costs to the property owners in the form of special taxes or assessments.

20.Can a small area be chosen to do a pilot project?

Yes. The Maney Avenue study is a study with recommendations for implementation. Some or all of the study can be implemented for all of the area or for only parts of the area.

21. What is the process for implementing the subdistrict regulations?

Implementation of the proposed subdistrict regulations will require amendments to the zoning ordinance and possibly rezoning of some of the areas. Adoption of this plan will not automatically create or implement the proposed subdistrict regulations. Any change in zoning or any change in the zoning ordinance to create the subdistrict regulations will require that the Planning Commission study the matter, conduct a public hearing, and then formulate a recommendation for the City Council. The City Council will also need to conduct a public hearing and then consider adoption of the ordinance. The owners of any land that is included in any subdistrict will be notified by mail of any public hearing to include their property in any subdistrict, there will be a notice in the newspaper, and signs will be posted in the area.

22.What would be changed through the use of the overlay districts?

Most of the area within the Maney Avenue Study Area was originally developed prior to the City adopting zoning regulations. The zoning regulations, particularly as applies to setbacks and structure orientation, that are currently applicable to the area promote a suburban type of development pattern rather than the original urban development pattern characteristic of the area. Consequently the zoning does not fit very well and there have been some unanticipated and problematic results with redevelopment in the area. The proposed overlay regulations would promote a more appropriate development pattern for the area that would be respectful of the existing development in the area.

To illustrate how the subdistrict regulations could apply consider the following. The residential zoning throughout the area currently requires a 30 foot front setback (RS-8, RM-12, RM-16, and RD zones), a 35 foot front setback (RS-10 zone), or a 35 foot front setback (RS-15 zone). This applies for both street frontages for corner lots. However, many of the existing residential structures have 15, 20, or 25 foot front setbacks and for most corner lots the setback on the side street is even less. The subdistrict regulations propose that the required setbacks be changed to more appropriately fit the existing structures. This would allow many of the structures that are presently nonconforming to become conforming and would promote a more urban streetscape.

E. Codes-Related Questions

23.If a property is damaged or destroyed can it be reconstructed?

Structures and uses that conform to the existing zoning can be reconstructed as a matter of right if they are totally damaged or destroyed so long as they are reconstructed in conformance with the zoning and current codes. Structures and uses that are nonconforming to the existing zoning that are damaged or destroyed to 75% of their fair market value can not be reestablished and any reconstruction must conform to the existing zoning. If the damage is less than 75% of the fair market value, the structure may be reconstructed to the same zoning standard as before the damage. This is the current law in the State of Tennessee and is not affected by the Maney Avenue Comprehensive Plan. Actually, there are numerous uses and structures that are nonconforming to the current zoning within the study area and the plan makes recommendations to allow many of them to be reestablished or reconstructed should they be damaged or destroyed.

24.What will the plan require differently in terms of codes enforcement? Will there be additional enforcement?

There will not be any additional enforcement of the city's codes if this plan is adopted. The city's Building and Codes Department enforces the building code and the property maintenance regulations throughout the city. Included in these property maintenance regulations are rules about inoperable vehicles, weeds and grass, appliances and junk vehicles. This department

will continue to enforce their portion of the city's codes as they relate to this particular area of town and any other area inside the city limits of Murfreesboro.

25. Do we have a codes enforcement problem? Will it be resolved by adoption of the plan?

Codes enforcement is a constant challenge in this portion of the community. The area has unique circumstances that make it more prone to codes violations than some other areas of the City. These include the fact that this portion of the community has an unusually high concentration of rental occupied properties, the housing stock is much older, and there are a considerable number of transient college students residing in the area. The plan will not resolve codes violations but it is contemplated that the planning effort will instill in the residents of the area a civic pride that will encourage codes compliance.

During the year 2003, the City of Murfreesboro cited 735 properties for violating the minimum property standards according to the city's building code. Minimum property standards deal with violations to a property such as inoperable vehicles and high grass. 114 of these citations or 16% occurred within the Maney Avenue study area.

Also during 2003, 141 buildings were cited for being substandard according to the city's building code. Substandard building violations deal with the structural integrity of a building. 53 of these citations or 38% occurred within the Maney Avenue study area.

From the total number of all citations involving minimum property standards and substandard buildings (846) 167 or 20% occurred within the Maney Avenue study area.

26. Will codes enforcement be done in the same manner as on block at a time?

One Block At A Time was a codes enforcement initiative. In order to address areas with chronic codes violations there may be similar initiatives in the future whether or not the plan is adopted.

F. General

27. What is the Supreme Court case involving overlay districts that was brought to the attention of the Planning Commission and what are its implications?

The Planning and Legal Department Staff have been unable to find any case pending before the Supreme Court or Court of Appeals relevant to the legality of overlay districts. There is a case currently being appealed to the Tennessee Supreme Court involving the Nashville Historic Zoning Commission being sued for not giving adequate public notice when an amendment to the “Historic Zoning Guidelines” was made and involves only a procedural challenge

28. How will required on-street parking affect the area and service delivery?

Service delivery is of greater priority than on-street parking. Where on-street parking will not interfere with service delivery it will be permitted and encouraged.

29. Can you provide a list of potential grants and enhancements and time frame to apply for them?

The City annually receives the federally funded Community Development Block Grant (CDBG) to provide decent housing and a suitable living environment by expanding economic opportunities, principally for low and moderate-income persons. CDBG funding is currently being used to rebuild North Spring Street with new utilities, curb, gutter and sidewalk. CDBG also funds the City’s housing rehabilitation program and a down payment assistance program. The housing rehab program averages 12-15 projects a year that brings owner-occupied houses up to code. The downpayment assistance program helps low and moderate income persons buy their first home. This year we also initiated a rental rehabilitation program. Finally, the program also provides funding for the removal of trees on residential property owned and occupied by low-income households, when the tree(s) pose an imminent danger. Funding for this grant is available July 1, of each year. The HOME Investment Partnership Program comes from the

State of Tennessee and is used for housing initiatives for low and moderate-income persons. Funding from this program is used to renovate substandard owner occupied housing and bring the housing up to meet the standard code requirements. The City's application to rehabilitate rental properties is approved in the fall and implemented in the following spring. Non-profit organizations are a potential funding source. The Murfreesboro Community Development Department may be contacted for more information concerning these programs.

From July 1, 2003 to present, services provided in the Maney Avenue study area thru community development programs include the following:

Street Improvements - \$400,000.00 in CDBG funds is currently budgeted for improvements to North Spring Street, from Oak Street to East Lokey Avenue. The work will consist of constructing approximately 2100 linear feet of roadway to include travel lanes, curb and gutter, drainage pipe, sidewalks, water line and replacement of sanitary sewer. Funds spent this year in the amount of \$11,997.50 were for the design of this project.

Owner Occupied Rehab Program – Seven homeowners have received assistance in the rehab or total reconstruction of their homes in the Maney Avenue area thru the City's Rehab Program. Of the seven assisted with the federal CDBG and the state allocated HOME grant, five had their homes reconstructed utilizing \$259,952.00 and three homes were rehabbed with approximately \$59,356.00. While the total disbursement in this time frame is \$319,308.00, there are eighteen households who have requested assistance with their homes and are currently on the programs waiting list. Thirteen of the households are within the study area.

Other Housing Programs - \$23,200.00 of CDBG funds were used for the acquisition of residential property on Sevier Street. This property will be used to provide a home through Habitat for Humanity.

A grant in the amount of \$79,000.00 has been awarded to the City from the Tennessee Housing Development Agency for the rehab of rental properties. While the applications are being processed at this time, all applicants have requested funding for assistance on properties that are within the study area.

Other Community Development Initiatives In The Study Area - \$2,000.00 of CDBG funds are budgeted for use by the Community Anti-Drug Coalition of Murfreesboro. The coalition emerged from efforts to rid the inner-city neighborhoods of crime and drugs when the city applied for a federal Weed and Seed grant.

The Affordable Housing Assistance Program offering down payment and closing cost assistance to first time homebuyers in the city is available in the study area. Personal budgeting and homeownership orientation sessions have been held at Bradley Academy and Paterson Community Center coordinated through the community development department.

The city's Tree Safety Program is funded with CDBG funds and may be utilized by residents of owner occupied properties that have a dead, hazardous tree needing to be cut down.

30. Will the plan affect ownership?

No. The plan will not directly affect property ownership.

31. Is the objective of the plan to create a business district?

One of the objectives of the Maney Avenue Comprehensive Plan is to stimulate some commercial interest in some of the areas within the study area. The Broad Street Commercial District, South Maney Village District, Mixed Use/Transition District and Downtown Expansion District are all sub-districts shown in the plan's proposed urban overlay design district that have potential for small scale commercial development. These commercial areas are targeted to specific locations and it is not intended for there to be an area-wide business district.

32. Will people be displaced from their homes?

No. This plan will not cause the displacement of anybody from their homes.

33. Is the scope of the study area too large?

No. The boundary for the study area is a logical boundary. It is roughly the boundary of the residential portion of the community for 1950. The land in

the study area actually has much in common. When the consultant was chosen his first assignment was to validate the proposed study area or to identify a more appropriate boundary and he indicated that the study area boundary was very appropriate. The study area boundary also is very close to the boundary for the Weed and Seed project study area. The study area contains only 1.05 square miles while the entire area inside the City is 45.97 square miles. By comparison, the Salem Pike study area was approx. 13 square miles and the Blackman study area was approx. 15 square miles.

34. Do we have a law enforcement problem? Will it be resolved by adoption of the plan?

As with codes enforcement law enforcement is a constant challenge in this portion of the community. There is a perception of a high crime rate. The plan recommends a strategy that will help to reduce the crime rate.

The Murfreesboro Police Department continues to work with neighborhood residents to address their concerns. A police precinct provides a location for our community-based policing efforts. Additionally, the Police Department, Housing Authority, Planning, Codes, Community Development and City Administration are working with the community on a program called CADCOM (Community Antidrug Coalition of Murfreesboro). It is working to get rid of drugs in our inner-city neighborhoods.

The Murfreesboro Police Department has supplied the following information that compares Murfreesboro's population with arrests made for homicides, robberies, rapes, aggravated assault, burglary, larceny, motor vehicle theft, and arson.

Year	Population	Arrests
1997	52,341	6,285
1998	59,506	6,177
1999	59,506	5,598
2000	68,816	5,538
2001	68,816	5,081
2002	68,816	5,000
2003	75,083	4,956

35.Is on street parking encouraged?

If enough room is available within the city's right-of-way (R-O-W) to allow for on street parking and it will not interfere with service delivery, then parking will be encouraged. Some of the streets in the study do not have enough R-O-W to allow on-street parking and when that is the case, then on street parking will not be encouraged.

36.Will streets be widened?

During the past 20 years the City has reconstructed many streets in the area including portions of State, Sevier, Church, Maple, Maney, and others through the Community Development Block Grant (CDBG) funding. Additional streets in the area have been targeted for eventual reconstruction whether or not this plan is adopted. Adoption of the plan may reassign priorities for street improvements. It is not anticipated that there will be large scale street widening within the area in the future.